

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHALMERS A. SIMPSON,	:	CIVIL NO. 1:09-CV-01882
	:	
Plaintiff	:	(Judge Caldwell)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
CITY OF COATSVILLE, et al.,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

On September 30, 2009, the plaintiff, a prisoner proceeding *pro se*, commenced this action by filing a complaint. The plaintiff has also filed an application to proceed *in forma pauperis*.

The plaintiff is incarcerated at the Chester County Prison. The plaintiff's claims are not clear; However, it appears that the plaintiff's claims center around criminal charges he has faced or is facing in the Court of Common Pleas of Chester County, Pennsylvania. With the exception of the Governor of Pennsylvania, the defendants named in the complaint are individuals or entities located in or around Chester County, Pennsylvania.

28 U.S.C. §1331(b) is the venue provision for federal question cases. Section 1331(b) provides:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

The plaintiff's claims concern events that occurred in Chester County. Chester County is in the Eastern District of Pennsylvania. Therefore, the plaintiff's claim concerns events that occurred in the Eastern District of Pennsylvania.

Except for the Governor, the defendants appear to reside in the Eastern District of Pennsylvania. Although the plaintiff lists the Governor as a defendant, the plaintiff has not set forth a clear statement of how the Governor was involved in the alleged violation of the plaintiff's rights.

The plaintiff has not alleged facts that would lay venue in the United States District Court for the Middle District of Pennsylvania. Venue in this case is proper in the United States District Court for the Eastern District of Pennsylvania.

It is recommended that this action be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406(a).

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: October 22, 2009.